

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-148-A

ARAFAT NAGI,

Defendant.

**GOVERNMENT'S REPLY TO DEFENDANT'S LACK OF A RESPONSE TO
GOVERNMENT'S APPEAL OF MAGISTRATE JUDGE'S ORDER
TO PRODUCE A BILL OF PARTICULARS**

THE UNITED STATES OF AMERICA, through its attorney, James P. Kennedy, Jr., Acting United States Attorney for the Western District of New York, and Timothy C. Lynch, Assistant United States Attorney, of counsel, hereby files its reply to the defendant's lack of a response to the government's appeal of Magistrate Judge Hugh B. Scott's Order that the government produce a bill of particulars.

On February 17, 2017, the government filed its appeal of Magistrate Judge Scott's Order that the government produce a bill of particulars relative to the counts in the Indictment. The defendant's lack of a response to the government's appeal is telling. He does not dispute the government's claim that considering the substantial amount of discovery provided to the defendant, the fact that the government's theory of its case has been outlined in numerous court filings, including the complaint and search warrants, and therefore, there is no basis for granting a request for a bill of particulars. As such, the Court should find that

the magistrate judge committed clear error by ordering the government to provide a bill of particulars and file an order denying the defendant's request for a bill of particulars.

DATED: Buffalo, New York, April 7, 2017.

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